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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,684	11/06/2000	Yves Maetz	PF990072	8282

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,684

Applicant(s)

MAETZ ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2, 4-6, and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,589,892 to Knee.

Regarding claims 1 and 4, Knee discloses a process for transmitting service information in a television system comprising transmitter, which transmits data over input 11 to a receiver (figure 1),

transmitting an event (a "sports program" column 41, lines 34-60);

transmitting versions of an upgradeable summary(games scores, sports information such as updated game scores, detailed team specific information, and related interactive services etc) of the said event, the content of a current version of the summary being dependent on the content of the event occurring since the transmission of the previous version of the summary up to the instant of transmission of the current version of the summary (column 41, lines 56-59, column 42, lines 33-58, figures 48, 52);

and at the receiver 605 (figure 58),

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presenting an upgradeable summary of said event being the result of concatenating of the versions within a buffer 15 (summaries are illustrated in figures 50, 52 and 54, column 43, lines 21-54, column 44, lines 16-33, column 46, lines 33-44, 56-column 47, line 18)

and at the level of the receiver of:

concatenating versions successively received in the memory of the receiver, the upgradeable summary of said event being the result of the concatenating of the versions (column 40, lines 42-55, column 44, lines 22-33, Figure 47).

Regarding claim 2, Knee discloses that periodically, following the occurrence of a particular situation in the content of an event, an updated version is transmitted to a user. (column 45, lines 60-column 46, line 16).

Regarding claim 5 and 6, Knee discloses that the retrieval of real time data occurs when a user enters a sports mode of the EPG application residing on the STB (column 46, line 46-column 47, line 18).

Regarding claim 9, Knee discloses a receiver for receiving service information in a television system, the receiver includes:

- receiving means for receiving events (sports games) and versions of an upgradeable summary of the said event (summaries shown Figures 50, 52, and

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54, which are games scores, detailed team specific information, and related interactive services) via a virtual channel (column 44, line 66-column 45, line 16);

- means for concatenating versions successively received (column 41, lines 34-62, column 42, lines 45-53, column 43, lines 29-32, column 44, lines 22-33, column 46, line 56-column 47, line 18), the upgradeable summary of the said event being the result of the concatenating of the versions (column 41, lines 56-59, column 42, lines 33-58, figure 48, figure 50, column 43, lines 21-54, column 44, lines 16-33, column 46, lines 33-44, 56-column 47, line 18);

- memory 18 for storing the upgradeable summary in the receiver (figure 47, column 4, lines 11-20) ;

- display circuits 33 for displaying the upgradeable summary (figure 47).

Knee inherently transmits different versions of the real time data, as different versions of the data are required for a game being watched in real time to keep a user updated as to the current score, quarter or time remaining.

Regarding claim 10, Knee discloses that the sports score info is presented to a user when a user enters sports browse mode (column 46, line 46-column 47, line 18).

Regarding claim 11, Knee discloses that when the data feed is accessed to provide information for a game currently in progress, microcontroller 16 causes VDG 23 to display the current score, and time remaining for a basketball, football or hockey game (column 44, lines 22-29), data is detected and extracted by VBI

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decoder 30a (Figure 47, column 40, lines 42-55, column 46, line 56-column 47, line 18).

Regarding claim 12, Knee discloses a transmitter for transmitting service information in a television system, wherein it comprises:

- means for transmitting an event (a sports program, column 41, lines 34-60);

- means for transmitting versions of an upgradeable summary of the said event (updated sports scores and other sports related information, figures 50, 52, and 54, column 41, lines 34-62, column 42, lines 45-53, column 43, lines 29-32, column 44, lines 22-33, column 46, line 56-column 47, line 18), the content of a current version of the summary being dependent on the content of the event occurring since the transmission of the previous version of the summary up to the instant of transmission of the current version of the summary (figure 50, column 43, lines 21-54, column 44, lines 16-33, column 46, lines 33-44, 56-column 47, line 18).

Regarding claim 13, Knee discloses that periodically, following the occurrence of a particular situation in the content of an event, an updated version is transmitted to a user. (column 45, lines 60-column 46, line 16).

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3. Claims 3, 7, 8, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,589,892 to Knee in view of U.S. Patent 6,035,304 to Machida.

Regarding claims 3, 7 and 8, Knee discloses that a real time data feed may provide sports information.

Knee is silent regarding a version descriptor and display of time and version information.

Machida discloses an EPG system in which the EPG data has time and data information, as well as a version attribute 130, a STB utilizes this information to determine how "fresh" the data is (column 14, lines 30-44, column 24, line 60-column 25, line 19).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Knee to utilize the version attribute of Machida thus enabling a user to keep track of when a version of the data was received to track the progress of a sporting event.

Regarding claims 14 and 15, Knee discloses that a real time data feed may provide sports information.

Knee is silent regarding a version descriptor and the values of the numbers associated two consecutive versions being consecutive.

Machida discloses an EPG system in which the EPG data has time and data information, as well as a version attribute 130, a STB utilizes this

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information to determine how "fresh" the data is (column 14, lines 30-44, column 24, line 60-column 25, line 19).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Knee to utilize the version attribute of Machida thus enabling a user to keep track of when a version of the data was received to track the progress of a sporting event.

Machida does not disclose if the version numbers are consecutive.

The examiner takes official notice that the use of consecutive version numbers is notoriously well known in the art. For example MS-DOS versions 6.0, 6.1 and 6.2. Consecutive version numbers allow a user to easily understand the version history of an application or data record.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Knee and Machida to utilize consecutive version numbers in order to make it easier for a user to track the version history of the supplied data.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,536,041 to Knudson: Program Guide System with Real-Time Data Sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone


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number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL


CHRIS GRANT
PRIMARY EXAMINER